

## REMARKS

Applicants thank the Patent Office for the careful attention accorded this Application and respectfully request reconsideration in view of the Amendment above and remarks set forth below.

In response to the Office Action, Applicant has amended deemed allowable Claims 497-507 to avoid any basis for rejection under 35 USC Section 112.

Applicant has also amended the Title of Invention and the Abstract of Disclosure to more clearly reflect the subject matter recited by the amended Claims to Invention.

Applicant also submits herewith a Supplemental Information Disclosure Statement (SIDS) to further reconstruct the state of knowledge in the art at the time the present invention was made.

As amended, independent Claim 497 is directed to a novel Internet-based consumer product marketing communication and merchandising network for managing and delivering consumer product marketing and merchandising communications directly to consumers --- using server-side driven Multi-Mode Virtual Kiosks (MMVKS) installed at E-Commerce (EC) enabled Websites along on the World Wide Web (WWW).

Amended dependent Claims 498-507 are directed to subordinate features of the Internet-based consumer product marketing communication and merchandising network of the present invention.

Clear detailed support for the claimed invention is found throughout the Specification.

As recited in independent Claim 497, the Internet-based network comprises a plurality of e-commerce enabled information servers supporting a plurality of EC-enabled WWW-sites, wherein each EC-enabled Website includes a plurality of HTML-encoded pages containing

images and text descriptions of consumer products which are offered for sale on the WWW and registered with the Internet-based network.

As recited in independent Claim 497, the Internet-based network also comprises a first Web-based subsystem configured to allow members of the product management team for a registered consumer product, as well as other authorized parties, to create and manage a consumer product information (CPI) link structure for each registered consumer product.

As recited in independent Claim 497, each CPI link structure comprises the following items:

- (i) a Universal Product Number (UPN) assigned to the consumer product; and
- (ii) a set of URLs for a plurality of consumer product information (CPI) resources stored on Web-based information servers operably connected to the WWW.

As recited in independent Claim 497, the Internet-based network comprises a second Web-based subsystem configured to allow product management team members and authorized parties, associated with a registered consumer product, to create and deploy one or more Web-based Multi-Mode Virtual Kiosks (MMVKs) for each consumer product, and then install deployed MMVKs in one or more HTML-encoded pages located in EC-enabled Websites, so that installed MMVKs are accessible by consumers using a Web browser.

As recited in independent Claim 497, each MMVK is implemented using (i) a computer-executable server-side component stored on a first Internet-enabled information server operably connected to the WWW and including code specifying the UPN assigned to the consumer product, and (ii) a MMVK tag embodying a unique URL that references the computer-executable server-side component and is embeddable within at least one of the HTML-encoded pages located in the EC-enabled Websites.

As recited in independent Claim 497, each installed MMVK, when generated by the first Internet-enabled information server, and served to the Web browser of a consumer, displays a graphical user interface (GUI) that is characterized by a plurality of independently programmable

display modes selected from the group consisting of (i) an advertising display mode for displaying one or more advertising spots, (ii) a promotional display mode for displaying one or more promotional spots, and (iii) a consumer product information (CPI) menu display mode for displaying a set of CPI resources arranged for selection by the consumer using the Web browser.

As recited in independent Claim 497, the Internet-based network includes a plurality of Web-based information servers operably connected to the WWW, storing and configured to serve one or more advertising spots, one or more promotional spots, and the set of CPI resources to the Web browser, for display to the consumer through the plurality of independently programmable display modes of each MMVK.

As recited in independent Claim 497, the Internet-based network includes a second Internet-enabled information server storing and configured to serve a catalog of MMVK tags on the WWW, for each registered consumer product, for which at least one MMVK has been created and deployed and is ready for installation on the HTML-encoded pages of the EC-enabled Websites.

As recited in independent Claim 497, the second Internet-enabled information server is configured to allow product management team members and authorized parties to access each MMVK tag in the catalog and download the MMVK tag for embedding in at least one HTML-encoded page located in at least one EC-enabled Website.

As recited in independent Claim 497, the set of URLs included within the CPI link structure for a registered consumer product specifies the location of corresponding CPI resources stored on Web-based information servers located on the WWW.

As recited in independent Claim 497, one or more of the advertising, promotional and CPI menu display modes of the MMVK associated with the CPI link structure are programmed with a plurality of CPI resources selected by the product management team members and/or authorized parties.

As recited in independent Claim 497, when the first Web-based subsystem generates at least one CPI link structure for a registered consumer product, then the second Web-based subsystem is configured to create and deploy one or more MMVKs for the registered consumer product and the product management team members and/or authorized parties are allowed to access the catalog and download MMVK tags for the one or more MMVKs, from the second Internet-enabled information server, for installation in at least one HTML-encoded page of at least one of the EC-enabled Websites.

As recited in independent Claim 497, the Internet-based network also includes a third Web-based subsystem configured to allow the product management team members and authorized parties to independently program the advertising display mode of each MMVK with one or more advertising spots, and the promotional display mode of the MMVK with one or more promotional spots.

As recited in independent Claim 497, the first Web-based subsystem is configured to allow the product management team members and authorized parties to independently program said CPI menu display mode of each installed MMVK.

As recited in independent Claim 497, upon the Web-browser of the consumer encountering one MMVK tag installed along the HTML-encoded page of one EC-enabled Website, the computer-executable server-side component corresponding to the installed MMVK tag is automatically executed and the corresponding MMVK is generated by the first Internet-enabled information server and served to the Web browser, for display by the Web browser and review by the consumer at the EC-enabled Website.

This novel system architecture of the Internet-based consumer product marketing communication and merchandising network of the present invention has a number of important benefits and advantages.

In particular, any branded consumer product manufacturer (and its retail trading partners) can now quickly create, deploy and manage Web-based MMVKs for each and every product in

the its supply-chain management system, and simply install and manage these MMVKs across all of its Web-based marketing and merchandising channels, at EC-enabled WWW-sites along the WWW including EC-enabled stores and EC-enabled online product catalogs.

As each Web-based MMVK is a server-side driven, GUI-based marketing communication subsystem, tuned to a particular consumer product, and accessible by consumers at points of presence along the fabric of the EC-enabled WWW-sites, using a Web browser.

Once a plurality of MMVKs have been installed at multiple EC-enabled WWW-Sites within the Web-based network of the claimed invention, the product management team members associated with the MMVKs can deliver high-impact product brand experiences, self-service and value to consumers (e.g. via short rich media ads and promos and product demos and related brand information), providing the manufacturer with a voice at the online point of sale, while helping retailers build their brand, deliver product, satisfy consumers, and drive sales.

A consumer product manufacturer's entire product catalog (managed by the UPNs assigned to such products) can be quickly serviced by the Web-based marketing communication and merchandising network of the present invention, and a MMVK automatically and quickly generated for each consumer product.

On the Internet-based network of the claimed invention, the display modes of the MMVKs are easily programmed by different members of the product management team (e.g. product information managers, advertising agencies, and promotional agencies) who typically have different responsibilities within a product brand management enterprise.

MMVKs deployed on the Internet-based network of the claimed invention can function as virtual product showcases that allow manufacturers to deliver consistent product marketing communications and merchandising of products to consumers at different touch-points along EC-enabled WWW-Site on the WWW.

MMVKs deployed on the Internet-based network of the claimed invention can also

function as turnkey e-commerce stores to support e-commerce transactions along EC-enabled WWW-Site on the WWW.

Using the Internet-based network of the claimed invention, product management teams can exercise a high degree of control over their product brand information at EC-enabled WWW sites including EC-enabled stores and EC-enabled online product catalogs, regardless of where such consumer product information resources may actually reside at locations (specified by URLs) on the WWW (e.g. stored on and served from global content delivery networks or CDNs, and Web-enabled content management /publishing systems).

Many other benefits of the Internet-based consumer product marketing communication and merchandising network of the claimed invention, will become apparent in view of the present Specification.

Applicants have carefully reviewed the prior art references, including US Patent Nos. 6,591,247 to Stern, 6,542,933 to Durst et al, 6,497,738 and 5,913,210 to Call, and 5,999,912 to Wodarz et al, and firmly believes, that when taken alone or in combination with each other, the prior art as a whole fails to disclose, teach or suggest Applicant's novel Internet-based consumer product marketing communication and merchandising network as defined by amended Claims 497-508, which is configured to allow a product management team to manage and deliver consumer product marketing and merchandising communications directly to consumers by way of server-side driven MMVKS installed at EC-enabled websites along on the WWW.

US Patent No. 6,591,247 to Stern discloses an IP-based digital content distribution network, wherein batteries of digital content (e.g. product information and advertisements) are combined together in a single distribution file (e.g. big format) at a centralized database server (i.e. NMC database 252c, Database files 352 and Builder 350) and then delivered to remote sites (e.g. physical retail kiosks, "wall of eyes" television sets etc) in physical retail stores, in either an interactive or non-interactive manner, on a per product basis. As disclosed, the interactive delivery method may be initiated by the consumer scanning a UPC code on a product of interest, in a brick and mortar store.

US Patent No. 6,542,933 to Durst et al discloses a system for delivering consumer product information on the Internet to a user's Web browser by providing the consumer product's UPC number to a UPC/URL database server constructed in accordance with US Patent No. 5,978,773 to Hudetz et al.

US Patent Nos. 6,497,738 and 5,913,210 to Call discloses an Internet-based consumer product information delivery system which uses Perl-based CGI scripts to receive universal product codes (or parts thereof) from http requests generated from client browsers viewing HTML pages having anchor links requiring universal product code (UPCs) embedded therein.

US Patent No. 5,999,912 to Wodarz et al discloses an Internet-based advertising, scheduling and tracking system, employing (i) a computer executable server side component stored on an information server, and (ii) a HTML ad tag that is embeddable in an HTML-encoded page and references the server side component, allowing different ads to be swamped in and out, at different times (i.e. dynamically) according to changing consumer profiles, marketing conditions and the like.

However, the Stern, Durst, Call and Wodarz references each fail to disclose, teach or suggest the Internet-based consumer product marketing communication and merchandising network as defined by amended Claim 497, comprising a plurality of e-commerce enabled information servers supporting a plurality of EC-enabled WWW-sites, wherein each EC-enabled Website includes a plurality of HTML-encoded pages containing images and text descriptions of consumer products which are offered for sale on the WWW and registered with said Internet-based consumer product marketing communication and merchandising network, and on which one or more Web-based (server-side driven) MMVKs of the claimed invention are installed.

The Stern, Durst, Call and Wodarz references each fail to disclose, teach or suggest the Internet-based consumer product marketing communication and merchandising network as defined by amended Claim 497, wherein a first Web-based subsystem is configured to allow members of the product management team for a registered consumer product, as well as

authorized parties, to create and manage a consumer product information (CPI) link structure for each registered consumer product,

wherein each CPI link structure comprises the following items:

- (i) a Universal Product Number (UPN) assigned to the consumer product; and
- (ii) a set of URLs for a plurality of consumer product information (CPI) resources stored on Web-based information servers operably connected to the WWW.

The Stern, Durst, Call and Wodarz references each fail to disclose, teach or suggest the Internet-based consumer product marketing communication and merchandising network as defined by amended Claim 497, wherein a second Web-based subsystem is configured to allow product management team members and authorized parties, associated with a registered consumer product, to create and deploy one or more Web-based MMVKs for each consumer product, and install the deployed MMVKs in one or more HTML-encoded pages located in the EC-enabled Websites, so that the installed MMVKs are accessible by consumers using a Web browser.

The Stern, Durst, Call and Wodarz references each fail to disclose, teach or suggest the Internet-based consumer product marketing communication and merchandising network as defined by amended Claim 497, wherein each MMVK is implemented using (i) a computer-executable server-side component stored on a first Internet-enabled information server operably connected to the WWW and including code specifying the UPN assigned to the consumer product, and (ii) a MMVK tag embodying a unique URL that references the computer-executable server-side component and is embeddable within at least one of the HTML-encoded pages located in the EC-enabled Websites.

The Stern, Durst, Call and Wodarz references each fail to disclose, teach or suggest the Internet-based consumer product marketing communication and merchandising network as defined by amended Claim 497, wherein each installed MMVK, when generated by the first Internet-enabled information server, and served to the Web browser of a consumer, displays a graphical user interface (GUI) that is characterized by a plurality of independently programmable display modes selected from the group consisting of (i) an advertising display mode for



displaying one or more advertising spots, (ii) a promotional display mode for displaying one or more promotional spots, and (iii) a consumer product information (CPI) menu display mode for displaying a set of CPI resources arranged for selection by the consumer using the Web browser.

The Stern, Durst, Call and Wodarz references each fail to disclose, teach or suggest the Internet-based consumer product marketing communication and merchandising network as defined by amended Claim 497, wherein a plurality of Web-based information servers are operably connected to the WWW, and configured for storing and serving one or more advertising spots, one or more promotional spots and the set of CPI resources to said Web browser, for display to the consumer through the plurality of independently programmable display modes of each MMVK deployed by the Internet-based network.

The Stern, Durst, Call and Wodarz references each fail to disclose, teach or suggest the Internet-based consumer product marketing communication and merchandising network as defined by amended Claim 497, wherein a second Internet-enabled information server is configured for storing and serving a catalog of MMVK tags on the WWW, for each registered consumer product, for which at least one MMVK has been created and deployed and is ready for installation on the HTML-encoded pages of the EC-enabled Websites in the Internet-based network.

The Stern, Durst, Call and Wodarz references each fail to disclose, teach or suggest the Internet-based consumer product marketing communication and merchandising network as defined by amended Claim 497, wherein the second Internet-enabled information server is configured to allow product management team members and/or authorized parties to access each MMVK tag in the catalog and download the MMVK tag for embedding in at least one HTML-encoded page located in at least one EC-enabled Website in the Internet-based network.

The Stern, Durst, Call and Wodarz references each fail to disclose, teach or suggest the Internet-based consumer product marketing communication and merchandising network as defined by amended Claim 497, wherein the set of URLs included within the CPI link structure for a registered consumer product specifies the location of corresponding CPI resources stored

on Web-based information servers located on the WWW, and wherein one or more of the advertising, promotional and CPI menu display modes of the MMVK (associated with the CPI link structure) are programmed with a plurality of the CPI resources selected by the product management team members and/or authorized parties.

The Stern, Durst, Call and Wodarz references each fail to disclose, teach or suggest the Internet-based consumer product marketing communication and merchandising network as defined by amended Claim 497, when the first Web-based subsystem generates at least one CPI link structure for a registered consumer product, then the second Web-based subsystem is configured to create and deploy one or more MMVKs for the registered consumer product and the product management team members and/or authorized parties are allowed to access the catalog and download MMVK tags for the one or more MMVKs, from the second Internet-enabled information server, for installation in at least one HTML-encoded page of at least one of the EC-enabled Websites.

The Stern, Durst, Call and Wodarz references each fail to disclose, teach or suggest the Internet-based consumer product marketing communication and merchandising network as defined by amended Claim 497, wherein a third Web-based subsystem is configured to allow the product management team members and authorized parties to independently program the advertising display mode of each MMVK with one or more advertising spots, and the promotional display mode of the MMVK with one or more promotional spots.

The Stern, Durst, Call and Wodarz references each fail to disclose, teach or suggest the Internet-based consumer product marketing communication and merchandising network as defined by amended Claim 497, wherein the first Web-based subsystem is configured to allow the product management team members and authorized parties to independently program the CPI menu display mode of each installed MMVK.

Furthermore, the Stern, Durst, Call and Wodarz references each fail to disclose, teach or suggest the Internet-based consumer product marketing communication and merchandising network as defined by amended Claim 497, wherein, upon the Web-browser of the consumer

encountering one MMVK tag installed along the HTML-encoded page of one EC-enabled Website, the computer-executable server-side component corresponding to the installed MMVK tag is automatically executed and the corresponding MMVK is generated by the first Internet-enabled information server and served to the Web browser, for display by the Web browser and review by the consumer at the EC-enabled Website.

Clearly, Stern's digital content delivery network combines digital content together in a single distribution file (e.g. big format) at a centralized database server, for delivery to remote sites in physical retail stores, and using this distribution method, there is no need or motivation to provide anything like Applicant's server-side component driven MMVKs, as claimed, which allows product management team members to program different display modes, and manage and deliver consumer product marketing and merchandising communications directly to consumers at EC-enabled Websites.

In marked contrast, Applicant's Internet-based network does not combine digital content into a single distribution file, but rather allows product management team members to program each display mode of each deployed MMVK independently from all other display modes, using URL links (managed by the CPI link structure) which are used by the consumer's Web browser to pull CPI resource content from Web-based information servers located wherever they may be located on the WWW. In short, Applicant's Web-based network as claimed, and Stern's network as disclosed, operate on radically different principles of operation.

In US Patent 6,542,933, Durst is focused on providing an Internet-based system for delivering consumer product information to a user's Web browser in response to providing the consumer product's UPC number to a UPC/URL database server (constructed in accordance with US Patent No. 5,978,773 to Hudetz et al). However, Durst does not provide any motivation for Applicant's Internet-based network and its server-side component driven MMVKs, as claimed, which allows product management team members to program different display modes, and manage and deliver consumer product marketing and merchandising communications directly to consumers at EC-enabled Websites.

In US Patent Nos. 6,497,738 and 5,913,210, Call is also focused on providing an Internet-based system for delivering consumer product information to consumers at EC-commerce enabled Websites, but by using Perl-based CGI scripts to receive universal product codes (or parts thereof) from http requests generated from client browsers viewing HTML pages having anchor links requiring universal product code (UPCs) embedded therein. However, like Durst, Call also does not provide any motivation for Applicant's Internet-based network and its server-side component driven MMVKs, as claimed.

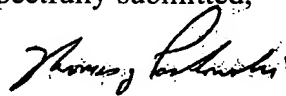
In US Patent No. 5,999,912, Wodarz et al. are focused on providing an Internet-based advertising, scheduling and tracking system, employing (i) a computer executable server side component stored on an information server, and (ii) a HTML ad tag that is embeddable in an HTML-encoded page and references the server side component, so as to allow different ads to be swamped in and out, at different times (i.e. dynamically) according to changing consumer profiles, marketing conditions and the like. However, like Stern, Durst, and Call, Wodarz also does not provide any motivation for Applicant's Internet-based network and its server-side component driven MMVKs, as claimed, which allows product management team members to program different display modes, and manage and deliver consumer product marketing and merchandising communications directly to consumers at EC-enabled Websites.

Thus, even when combining the disclosures of Stern, Durst, Call, Wodarz et al, and other prior art references made of record, Applicants firmly believe that the Internet-based consumer product marketing communication and merchandising network of the claimed invention is clearly not provided, or suggested.

In view therefore, of the Amendment and Remarks set forth above, the present invention defined by amended Claims 497-508 is firmly believed to be neither anticipated by, nor rendered obvious in view of the prior art of record, and that the present application is now in condition for allowance.

The Commissioner is hereby authorized to charge any fee deficiencies to Deposit Account 16-1340.

Respectfully submitted,



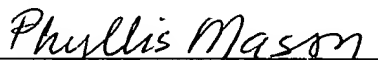
Dated: July 7, 2008

Thomas J Perkowski, Esq.  
Attorney for Applicant  
Reg. No. 33,134  
Thomas J. Perkowski, Esq., P.C.  
Soundview Plaza  
1266 East Main Street  
Stamford, Connecticut 06902  
203-357-1950  
<http://www.tjpatlaw.com>

CERTIFICATE OF EXPRESS MAILING UNDER  
37 C.F.R. 1.10

I hereby certify that this correspondence  
is being deposited with the United States  
Postal Service on Jul 7, 2008, in a  
Postage Prepaid envelope as, Express Mail  
(No. EM223904089US)  
addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Mail: Phyllis Mason  
Dated: July 7, 2008